

ORDINANCE NUMBER 17-03

Chatham Commons PUD District

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO
THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the "Chatham Commons PUD District") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1703-PUD-03**), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1703-PUD-03** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation (6-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on April 4, 2017;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36- 7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

Applicability of Ordinance.

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**Chatham Commons PUD District**" (the "District").
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance 17-03 (the "Ordinance") and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

- 2.1 "**Architectural Insulated Panels**": An insulated metal panel with an insulated core and an exterior

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face finished to simulate stucco, or other high quality exterior material. May also be referred to as "sandwich panels".

Section 3. **Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Concept Plan depicts a general plan for development of the Real Estate. The Real Estate shall be developed in substantial compliance with the Concept Plan.

Section 4. **Architectural Review.** All plans, including but not limited to architectural, landscaping, lighting and signage in the District shall be submitted to Developer for approval. Approval by Developer shall be required prior to any final municipal approvals or permits issued.

Section 5. **Underlying Zoning District(s).** The Underlying Zoning District of this District shall be the GB: General Business District (the "Underlying Zoning District"). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Underlying Zoning District, as set forth above, shall apply.

Section 6. **Permitted Uses.** The permitted uses shall be as set forth below.

6.1 All uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13, shall be permitted unless otherwise prohibited below.

6.2 **Additional Uses:** The following additional use shall be permitted:

- A. Gasoline Service Station
- B. Bed and Breakfast (B&B)
- C. Nursing Home
- D. Assisting Living Facility
- E. Kennel – shall be enclosed if located on Outlot 1 as identified on **Exhibit B** so long as adjacent property is used for single-family residential use
- F. Golf facilities
- G. Park, Public or Private
- H. Office, Construction Trade
- I. Agritourism Use
- J. Brewery, Distillery or Winery with proprietary sales of product
- K. Drive-thru windows

6.3 **Prohibited Uses:** The following uses shall be explicitly prohibited:

- A. Gasoline Service Station – prohibited only on Outlot 1 as identified on **Exhibit B** so long as adjacent property is used for single-family residential use
- B. Mortuaries,
- C. Nursery,
- D. Religious Institution,
- E. Garden and Lawn Center,
- F. Civic Club
- G. Utilities – Regulated by IURC

- H. Adult Entertainment
- I. Special Exception Uses, except as otherwise permitted herein.

Section 7. Overlay Districts.

- 7.1 US Highway 31 Overlay District: Article 5.2 US Highway 31 Overlay District (the "31 Overlay") shall not apply to the development of the Real Estate.
- 7.2 State Highway 32 Overlay District: The Architectural Design Requirements of Article 5.3(K) of the State Highway 32 Overlay District (the "32 Overlay") shall apply to the development of the Real Estate, except as modified by this Ordinance.

Section 8. General Regulations. The standards of Chapter 4: Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

8.1 Minimum Building Setback Lines:

- A. Front Yard (shall be that of which is facing the public right of way at entrance):
 - i. US Highway 31: 30 feet
 - ii. 191st Street: 30 feet
 - iii. Internal to District: 15 feet
- B. Side Yard: No minimum
- C. Rear Yard: No minimum
- D. There shall be a twenty (20) foot minimum building setback line from the northern and western property lines, north of Cool Creek. If the adjacent property is acquired by the Developer, this standard shall no longer apply.

8.2 Building Height: As depicted on the Building Height and Building Size Districts Exhibit, attached hereto and incorporated herein as **Exhibit B**, the Real Estate is divided into two separate building height districts. District 1 is generally described as the area most immediately adjacent to U.S. Highway 31, generally located on the eastern portion of the Real Estate. District 2 comprises the balance of the Real Estate, generally located on the western portion of the Real Estate.

- A. District 1 Minimum Building Height:
 - i. Four (4) stories; or,
 - ii. 60 feet (as measured from grade to the top of the roof).
- B. District 2 Minimum Building Height:
 - i. One (1) story

Maximum Building Height (all districts): None, except that no structure taller than two (2) stories shall be constructed on Outlot 1 as identified on **Exhibit B** so long as adjacent property is used for single-family residential use

8.3 Minimum Building Size:

- A. District 1: 10,000 square-foot footprint
- B. District 2: 3,000 square-foot footprint, shall include outdoor seating area.

8.4 Maximum Building Size: 80,000 square-foot footprint per building occupant, except hotel or office

uses which shall not have a maximum building size

Section 9.

Development Standards. The standards of Chapter 6: Development Standards shall apply to the development of the District, except as otherwise modified below.

9.1 Article 6.1 Accessory Use and Building Standards: Shall apply, except as modified below:

- A. Article 6.1(B)(4) shall not apply.
- B. Article 6.1(D) Building Location shall not apply; rather, Accessory Buildings shall comply with the Minimum Building Setback Lines set forth in this Ordinance.
- C. Outdoor equipment for Agricultural or Agritourism Uses (i.e. distillery tanks) shall not be required to be screened.

9.2 Article 6.3 Architectural Standards: In addition to the Architectural Design Requirements of the 32 Overlay, Article 6.3(F) Architectural Standards; Business Districts shall apply, except as modified below.

A. Article 6.3(K)(2) Building Materials and Article 5.3(K)(2)(k)(iii) Architectural Design Requirements; Building Materials: Shall not apply; rather the following shall apply:

- i. A minimum of sixty percent (60%) of each Building Façade, excluding windows and doors, shall be Masonry Materials, unless Architectural Insulated Panels are used, in accordance with paragraph (iii) below.
- ii. Each Building Façade shall utilize a minimum of three (3) different exterior building materials (excluding window, door and roofing materials).
- iii. If Architectural Insulated Panels are used as an exterior building material, then the following applies:
 - a. A minimum of thirty-three percent (33%) of each Building Façade, excluding windows and doors, shall be Masonry Materials.
 - b. No more than sixty-seven percent (67%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with Architectural Insulated Panels.
 - c. No more than twenty-five percent (25%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with metal (that is not Architectural Insulated Panels), Fiber Cement, Polymeric Cladding, E.I.F.S, stucco, or vinyl exterior building materials.

B. Character Exhibit. The Character Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to capture the intended quality of structures to be constructed in the District. Although the exhibits do not represent the final design or specify a required architectural style or element, they do hereby establish a conceptual benchmark for the quality of structures that are permitted to be constructed and that contribute to the District's intent and vision.

C. Roof-Mounted Mechanical Equipment: Shall be screened or located in a manner which prevents reasonable visibility.

9.3 Article 6.5 Fence Standards: Shall apply to the Real Estate, except as otherwise modified below:

- A. All walls and fencing shall be architecturally compatible with the associated building(s).
- B. For Day Care uses and businesses requiring a similar secured activity area, chain-link and

other non-decorative shall be permitted.

9.4 Article 6.8(N) Buffer Yard Standards: Shall not apply; rather the following shall apply:

- A. A fifteen-foot (15) buffer shall be provided along the western property line of Outlot 1 as identified on Exhibit B so long as adjacent property is used for single-family residential use.
- B. A six-foot wood fence (i.e. shadow box) and five (5) seven-foot Norway Spruce trees on each side of the fence shall be installed within the required buffer yard at the time of adjacent development. The fence shall be maintained by Developer.

9.5 Article 6.12 Outdoor Storage and Display: Shall not be permitted.

9.6 Article 6.14 Parking and Loading Standards: Shall apply to the Real Estate, except as otherwise modified below.

- A. Parking requirements and service lanes may be modified by the Director in a manner consistent with Section 6.14(G)(11)(n) if parking lots are adjoining (e.g. brand partner hotels, adjacent restaurants). Shared parking shall be permitted.
- B. Article 6.14(H) Bicycle Parking: Artistic bicycle racks shall be credited towards the Chatham Commons PUD public art requirement (see Section 9.10).

9.7 Article 6.17 Sign Standards: Shall apply to the Real Estate, except as otherwise modified below:

- A. Approved privately-owned traffic-control and transit sights, informational and directional signs on posts used in lieu of public street signage shall be permitted to be in the Right-of-way, as required and shall be maintained by Developer.
- B. Article 6.17(J) Sign Plan shall not apply.
- C. One (1) Monument Sign (Center Only) in compliance with the development standards set forth in Article 6.17(J)(2)(a)(iii) shall be permitted on the Real Estate.
- D. One of the following shall also be permitted on the Real Estate (in addition to the Monument Sign contemplated in paragraph C above):
 - i. One (1) Monument Sign (Center Only) in compliance with the development standards set forth in Article 6.17(J)(2)(a)(ii); or
 - ii. Up to two (2) Entrance Signs located along 191st Street at entrance to the Real Estate. Such Entrance Signs shall be permitted to include tenant information. Sign Area shall not exceed sixty (60) square feet.
- E. Article 6.17(J)(8) Outlot Signage shall not apply; rather the following shall apply:
 - i. Each façade shall be permitted two (2) square feet of sign area for each one (1) linear foot of Building Façade. Sign area allocation may be divided between Wall, Awning, and Under Canopy or related areas.
 - ii. Monument Signs in compliance with the development standards set forth in Article 6.17(H)(2) shall be permitted in District 1.
- F. Article 6.17(K)(5)(c) Nonresidential Real Estate Signs Maximum Sign Height: twelve (12) feet.

9.8 Article 6.9 Lighting Standards Shall apply to the Real Estate, except as otherwise modified below:

- A. Lighting shall be dimmed to Sixty-Five percent (65%) after 11pm. Illuminated building signage (channel lettering) is excluded. Lighting used for landscaping or to highlight a

building feature or art shall be permitted to be upward facing towards the element/building it is highlighting. Any lighting adjoining the required Buffer Yard shall be dimmed to twenty-five percent (25%) after 11pm.

B. Decorative light fixtures shall be permitted in entrance drives, public right-of-ways, building and pedestrian walkways as a part of the site's design. Such fixtures shall be maintained by Developer, Developer's designee or property owners association.

9.9 Outdoor Public Space: Plazas, courtyards, gardens, public squares, or similar outdoor usable public spaces shall be included within the Chatham Commons PUD District.

9.10 Public Art: At least one (1) piece of public art is encouraged within the Chatham Commons PUD District. If public art is to be installed, then it shall be visually accessible to the public.

Section 10. **Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City of Westfield Construction Standards and Specifications (see Chapter 7: Subdivision Regulations), unless otherwise approved by the Director of Public Works in consideration of the preservation of the natural topography and environment and in consideration of the unique design intent of the District.

Section 11. **Design Standards.** The standards of Chapter 8: Design Standards shall apply to the development of the District, except as modified below:

11.1 Cool Creek Trail: The Real Estate required to construct the Cool Creek Trail Corridor shall be dedicated to the City and the trail shall be constructed consistent with the Parks and Trails Master Plan and the City of Westfield Construction Standards and Specifications as approved by the Director of Public Works.

11.2 Article 8.9 Street and Right-of-Way Standards: Shall apply with the exception that multiple access points in substantial compliance with **Exhibit B** shall be permitted.

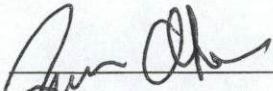
WESTFIELD CITY COUNCIL
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WESTFIELD CITY COUNCIL

Voting For


Voting Against

Abstain


Jim Ake

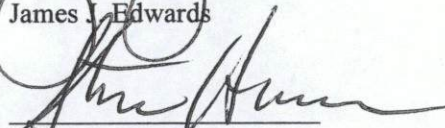
Jim Ake

Jim Ake


James J. Edwards

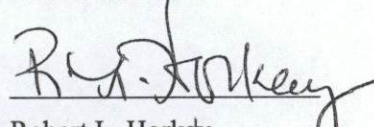
James J. Edwards

James J. Edwards


Steven Hoover

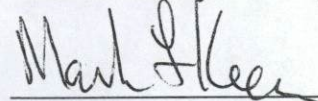
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Robert L. Horkay

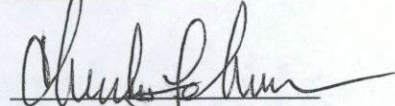
Robert L. Horkay

Robert L. Horkay


Mark Keen

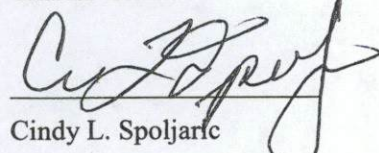
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Charles Lehman

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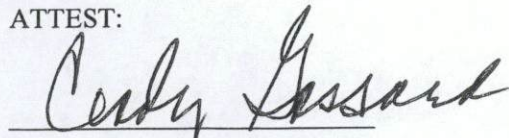
Charles Lehman


Cindy L. Spoljaric

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ATTEST:


Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 17-03 was delivered to the Mayor of Westfield

on the 11 day of Apr, 2017, at 11:30 m.

Cindy Gossard
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 17-03

This 11 day of April, 2017.

J. Andrew Cook
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 17-03

This ____ day of _____, 2017.

J. Andrew Cook, Mayor

This document prepared by Amanda Rubadue

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Amanda Rubadue

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Character Exhibit

EXHIBIT A

REAL ESTATE

LAND DESCRIPTION (Excludes INDOT Excess lands):

A part of the Northeast Quarter of Section 25, Township 19 North, Range 3 East of the Second Principal Meridian located in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 25, Township 19 North, Range 3 East; thence South 88 degrees 51 minutes 33 seconds West (assumed bearing) on and along the South line of said Northeast Quarter 996.01 feet to the Southwest corner of the real estate described in a Warranty Deed to The State of Indiana recorded as Instrument No. 2012072243 in the Office of the Recorder of Hamilton County, Indiana and the ***POINT OF BEGINNING*** of this description; thence continuing South 88 degrees 51 minutes 33 seconds West on and along the South line of said Northeast Quarter 944.49 feet to the Southwest corner of the land of Chatham Hills, LLP as described in Instrument No. 2015033518 in said Recorder's Office; thence North 00 degrees 34 minutes 48 seconds East along the West line of said land and approximately along a fence line 477.10 feet to the Northwest corner of said land at the approximate South bank of the Wheeler-Beals open drain, said point being 609.8 feet West of the East line of the West Half of said Northeast Quarter; thence North 87 degrees 24 minutes 00 seconds East along the North line of said land and along the approximate South bank of said open drain to a point on the Northwesterly line of the land of Chatham Hills, LLP as described in Instrument No. 2015052972 in said Recorder's Office; thence North 39 degrees 29 minutes 32 seconds East along the Northwesterly line of said land and along the Northwesterly line of the land of Chatham Hills, LLP as described in Instrument No. 2014050554 in said Recorder's Office, and approximately along the South bank of said open drain 481.86 feet to the West line of the Southeast Quarter of said Northeast Quarter; thence North 00 degrees 04 minutes 40 seconds East along the West line of the Southeast Quarter of said Northeast Quarter and along the West line of said land 479.06 feet to the Northwest corner of said Quarter Quarter; thence continuing North 00 degrees 04 minutes 40 seconds East along the West line of the Northeast Quarter of said Northeast Quarter 123.02 feet to the Northwest corner of said land; thence North 88 degrees 48 minutes 10 seconds East along the North line of said land 1110.68 feet to the West right of way line of U.S. Highway No. 31 as set out in Hamilton Circuit Court Cause No. 29C01-1404-PL-3283 agreed findings and judgement of the lands appropriated by the State of Indiana recorded as Instrument No. 2015006703 in said Recorder's Office (the following four (4) courses are described along said Westerly right of way line); 1.) thence South 00 degrees 36 minutes 54 seconds West 352.74 feet; 2.) thence South 11 degrees 37 minutes 04 seconds West 366.74 feet; 3.) thence South 13 degrees 56 minutes 23 seconds West 390.51 feet; 4.) thence South 00 degrees 36 minutes 54 seconds West 166.15 feet; thence South 88 degrees 51 minutes 33 seconds West parallel with and 200.00 feet North of the South line of said Northeast Quarter 229.11 feet; thence South 00 degrees 09 minutes 26 seconds West 93.34 feet to the Northerly right of way line of 191st Street as per Indiana Department of Transportation right of way plans for U.S. 31 Project No. 0600431; thence South 75 degrees 33 minutes 26 seconds West along said right of way line 51.66 feet; thence North 00 degrees 09 minutes 26 seconds East 105.23 feet; thence South 88 degrees 51 minutes 33 seconds West parallel with and 200.00 feet North of the South line of said Northeast Quarter 329.07 feet to the Northwest corner of the aforesaid land described in Instrument No. 2012072243 in said Recorder's Office; thence South 00 degrees 09 minutes 26 seconds West along the West line of said land 200.00 feet to the Point of Beginning, containing 39.58 acres, more or less.

Subject to the right of way for 191st Street.
Subject to all legal easements and rights of way.

Exhibit B

Conceptual Site & Thoroughfare Plan

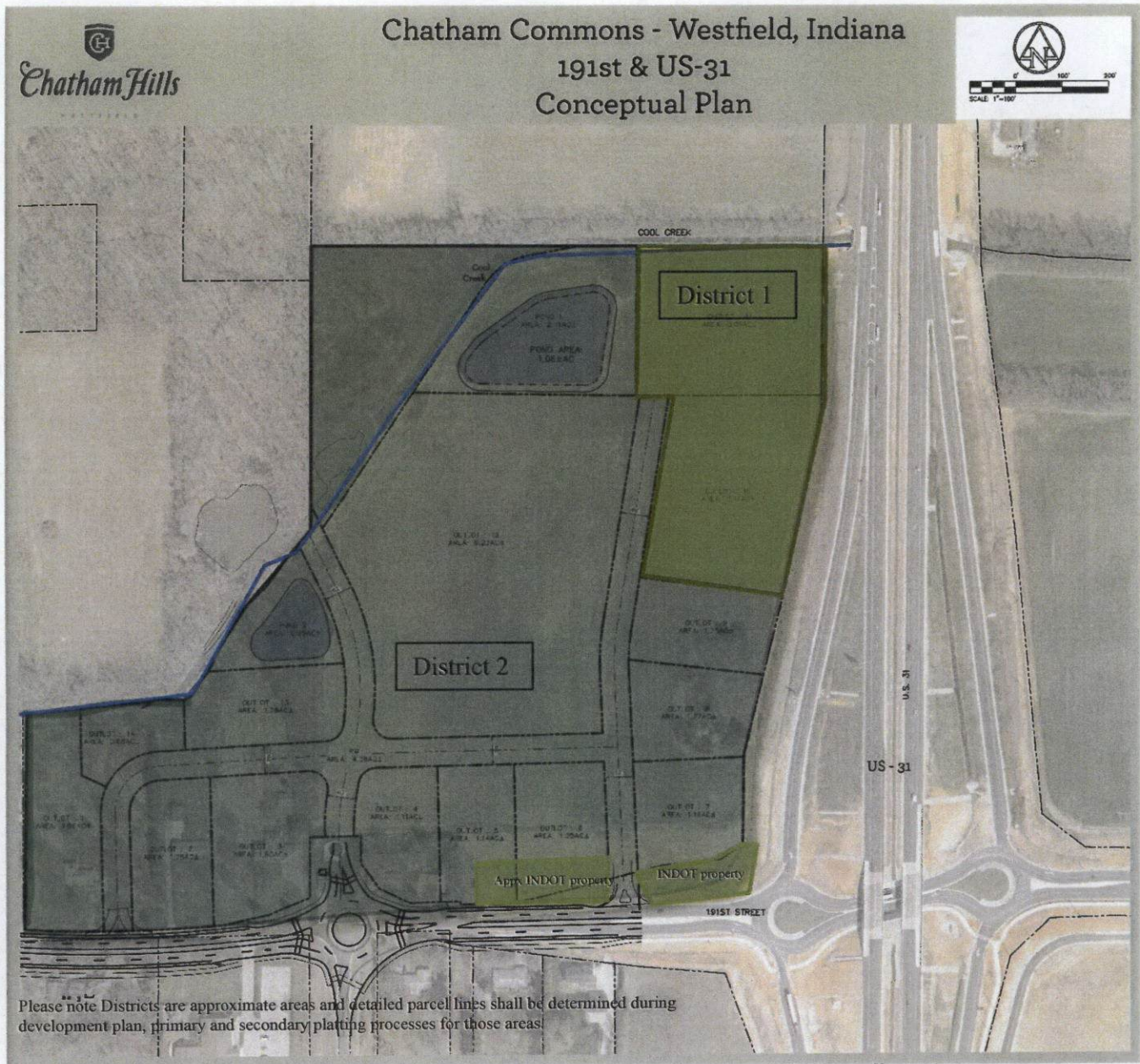


Exhibit C – Hospitality & Commercial Conceptual



Exhibit B – Common Area Signage, Lighting Concepts

Note: Images in Exhibit B are to serve ONLY as inspiration for an element or elements, quality or site components (i.e. stone color, limestone use, font, poles, lighting, street sign blades, finial details, color etc.) that could be incorporated into landscaping, common area signage, monument signs for the center or other elements (and not for Individual Outlots or Tenants). Final elements in the Center are not required to use the design ideas below; however, all will be reviewed and approved by Developer prior to installation.

